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New York

President: Mr. Gurirab . . . . . (Namibia)

In the absence of the President, Mr. Mbanefo (Nigeria), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 154 *(continued)*

United Nations Decade of International Law: marking of the end of the United Nations Decade of International Law

Report of the Secretary-General (A/54/362 and Add.1)

Letter dated 10 September 1999 from the Permanent Representatives of the Netherlands and the Russian Federation addressed to the Secretary-General (A/54/381)

Report of the Sixth Committee (A/54/609)

Mr. Santos (Mozambique): I have the honer to speak on behalf of the Southern African Development Community (SADC) member States, namely, Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe and my own country, Mozambique. The SADC countries would like to associate themselves with the statements made by South Africa and the Sudan on behalf of the Non-Aligned Movement and the African Group, respectively.

As the United Nations Decade of International Law is now reaching its end, we think it is time to pause and take stock of the achievements and the work undertaken during the Decade. At the dawn of a new millennium, this exercise is not only appropriate but also necessary as a way to gather momentum and inspiration to face the many challenges that still await the world in the years ahead.

The world is witnessing the phenomenon of globalization, making cooperation among nations imperative. On the other hand, war and violence still ravage many parts of the world, claiming millions of innocent lives and causing social and economic havoc.

It is a tragic reality that the African continent is one which is characterized by strife and conflicts, the majority of which are internal conflicts. Southern Africa, in particular, has been and continues to be subject to these types of conflicts, which have resulted in untold suffering, destruction and loss of life and property.

If we truly want to avert such situations, all nations of the world must be guided in their relations by the principles and rules of international law and resolve their disputes by peaceful means, as proposed in the statement of the Decade's main purposes.

It is in this spirit that SADC countries participated actively in many international forums, at the subregional, regional and international levels, where important treaties were adopted. In this regard, we must acknowledge the

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undeniable and remarkable advances achieved during the decade in the area of progressive development and codification of international law, one of the main purposes of the Decade.

The Rio Declaration adopted in 1992 built on the Stockholm Declaration of 1972 and created the guiding principles of international environmental law, including Agenda 21. Subsequently, several conventions have been adopted in compliance with these principles and in order to regulate specific areas of international environmental law, thus creating a new and autonomous body of international law.

Many other extremely important conventions have also been adopted, such as the Ottawa Convention on landmines and the Convention on the Law of the Non-Navigational Uses of International Watercourses.

The adoption in Rome, in 1998, of the Statute of the International Criminal Court constitutes a landmark of the Decade. SADC countries participated actively in the negotiation of the Rome Statute. We believe that the early entry into force of the Statute and the commencement of the Court's operations will put an end to the culture of impunity and will help establish a culture of peace worldwide.

Certainly another major achievement was the entry into force in 1994 of the United Nations Convention on the Law of the Sea and the subsequent establishment and effective functioning of various organs provided for in the Convention, including the International Tribunal for the Law of the Sea. That Tribunal constitutes an additional and specialized forum for the peaceful settlement of disputes, complementary to the International Court of Justice. Adequate resources must be provided to these bodies in order to permit them to function adequately.

This year the Summit of SADC heads of State or Government had the theme "SADC in the Next Millennium — Working Together for Peace, Progress and Prosperity". That Summit adopted regional legal instruments on wildlife conservation and on law enforcement. The Summit also noted the entry into force of the charter of the Regional Tourism Organization of Southern Africa and of the regional protocols on shared watercourse systems, energy, transport, communications and meteorology. Previously, SADC countries had adopted or ratified a wide range of protocols and agreements that regulate areas such as tourism, wildlife conservation, drug trafficking, energy and transport.

The organization reiterated its strong commitment to the peaceful settlement of disputes through local mechanisms of conflict prevention, management and resolution, thus assuming its role in contributing to the maintenance of peace and security in the region. It was also in southern Africa that the first meeting of States parties to the Ottawa treaty on landmines took place in May of this year. This was a demonstration of the importance of the involvement of all nations, regardless of their economic capacity, in the effort to attain the goals of peace and stability in the world.

The SADC countries would like to express their sincere gratitude to the Governments of the Kingdom of the Netherlands and the Russian Federation for having initiated and co-hosted — as a well-deserved tribute at the close of the United Nations Decade of International Law — the centennial celebrations of the first International Peace Conference. The meetings at The Hague and St. Petersburg were excellent occasions for reflecting on important issues of disarmament, humanitarian law and the peaceful settlement of disputes, which today are as much a part of the world's main agenda as they were a hundred years ago.

In southern Africa, representatives of SADC member States, as well as of all sectors of society, were invited to participate in a seminar held earlier this year in Pretoria to commemorate the first International Peace Conference of 1889. The seminar re-evaluated the aims and aspirations of the Hague Conference in the light of the specific problems and needs of the African continent, and in particular of the southern African region.

It was emphasized at the seminar that, although the potential use of nuclear weapons remains an ever-present danger and a very real threat, the real and present danger of all conflicts is the threat posed by small arms. Small arms are responsible for the killing of millions of people, mostly civilians, in many regions of the world, particularly in Africa. If the ideals of the Hague Conference are to be pertinent and relevant to the African continent, then the pressing problem of the use and proliferation of small arms will have to be addressed.

The southern African region in particular suffers from a surfeit of available weapons. The proliferation of small arms in the southern African region is a product both of the past and of the current demand for arms for specific security needs and criminal purposes. The task of regulating and controlling these arms is huge and multifaceted, and the most effective means to accomplish

it is through regional cooperation. Fortunately, there is a growing willingness to engage in such regional cooperation and a genuine desire for peace and development in the southern African region. Practical steps are under way in this regard.

The spirit of The Hague should guide us to the next millennium. It proposes seeking an end to violence, through the peaceful settlement of disputes and a humanitarian approach. Every peace-loving nation must remain committed to the spirit of the Hague Conference and to the goals of the Decade if we are indeed to create a better world guided by the international rule of law.

The strong wind of change in the world, calling for the establishment of democratic, transparent and just systems of governance based on full respect for the rule of law, must also reach the international-relations scene. We call on all the nations of the world to work together for a better millennium, free of violence and poverty — a world without haves and have-nots, a world where peace is the rule rather than an exception.

The objectives of the Decade remain as valid today as they were 10 years ago. It is our wish that the United Nations will continue to be active and vigilant in promoting the objectives of the Decade into the next millennium.

Mr. Vázquez (Ecuador) (*spoke in Spanish*): The delegation of Ecuador would like to express its gratitude to the Secretary-General for his far-reaching report on the United Nations Decade of International Law, which provides a comprehensive look at the many diverse actions undertaken by States, the United Nations system, regional organizations and the academic sector, with the goal of fulfilling the Decade's purposes, which were set out in resolution 44/23.

As regards the results that have been achieved in the progressive development and codification of international law, my delegation feels that the bottom line is quite positive. This can be seen in the many multilateral instruments that have been adopted in the course of the Decade.

The United Nations in particular has been able to respond effectively to the challenge of providing proper legal responses to many vital issues on the international agenda. With international society now characterized by a complex interdependence among its members and requiring the ongoing development of norms that reflect and adapt to the changing realities of the contemporary world, the currency of such vital issues, rather than dwindling, is growing daily. My delegation believes that the declaration of the 1990s as the Decade of International Law, with its programme of activities, provided a strong impetus for doing this work.

Special mention should be made of the work of the International Law Commission on progressive development and codification and of the consultative work and concrete application of principles and international norms carried out by the International Court of Justice.

International law, however, is not shaped by the negotiation of conventions alone. When we talk of the development of international law, we cannot fail to recognize the important role played by international custom and the interrelationship between conventional and customary norms, as enshrined in the official jurisprudence of the International Court of Justice. Indeed, the Court has acknowledged the validity, as international custom, of fundamental norms of the international legal order that transcend those contained in a convention.

Moreover, the International Court of Justice has recognized that customary law does not necessarily evolve entirely independently of treaties, but can also be expressed in general multilateral conventions or at codification conferences that are widely attended. The text of a convention can declare a prior customary norm; it can also define a norm that is still evolving; or, finally, the *de lege ferenda* provision of a treaty or a proposal made at an international conference can eventually become the axis of a subsequent state practice that, following a consolidation period, becomes a customary norm. This can also apply, to a certain degree, to the content of quite a few resolutions of the General Assembly.

It should be pointed out that resolutions in and of themselves are not a formal source of international law. Nevertheless, in certain cases, interaction can arise between customary law and the content of certain resolutions of the General Assembly, the principal organ of the United Nations. This content can be seen as evidence of what States may consider to be law in a specific area, especially if it has been formulated as a norm or principle to which States must adjust their behaviour.

If the validity of law in international relations is to be ensured, it is not enough to develop norms. It is also crucial to ensure their respect and observance, for which we must redouble our efforts and identify mechanisms to ensure that all States take international law and respect for its principles as a model of conduct.

There is no room for half-hearted positions in the commitment of States to international law, much less for those that would discredit it. The strengthening of international law is certainly not promoted by unilateral interpretations of clear international obligations contained in legally binding instruments.

It has been said that, in the wake of the cold war, the international order is in a state of transition and that, while the harmful effects of the cold war shaped the future of the international community for several decades, international actors knew what to expect, even if it was only to expect the worst. In the current period, however, which some call transitional, a sense of uncertainty is emerging that will persist if we do not enshrine respect for law and if there is a will not to consolidate international law based on cooperation to the mutual benefit of all, but to create international law allowing unilateral or group advantages to be won.

As a result, it is not only proper, but crucial that international actors behave on the basis of international law, respect for which is the only way to achieve certainty and strengthened confidence and cooperation at all levels. In this context, we can appreciate the validity of the words set down four centuries by Hugo Grocio, who anticipated the principle of interdependence among all States members of the international community and stressed the certainty that emerges through respect for law:

> "Law is not based on utility alone. There is no State so powerful that it does not sometimes require the assistance of others, be it in commerce or even to protect itself from the forces of foreign nations united against it. As a result, we see that even the most powerful and sovereign people seek alliances, which are totally meaningless to those who would confine law within state boundaries. Nothing is truer than the saying that everything becomes uncertain once men stray from the law."

Another main objective of the Decade is promoting means and methods for the peaceful settlement of disputes. As my delegation stressed before the Sixth Committee, the best contribution that two countries have been able to make towards its achievement was the overall peace agreement signed just over a year ago between Ecuador and Peru, which resolved the border conflict that they had waged for over 150 years. This overall agreement included, *inter alia*, the demarcation of the shared land border, a trade and navigation treaty, a broad agreement for border integration, development and good-neighbourliness, and the establishment of a binational committee on confidence and security measures. This was an important achievement for the consolidation of peace and security in Latin America and can serve as an example to the rest of the world of how to settle disputes peacefully and to develop cooperation in a post-conflict era.

My delegation reiterates its gratitude to the Governments of the Russian Federation and the Kingdom of the Netherlands for having prepared the centennial commemoration of the First International Peace Conference at The Hague and for submitting the report on its results. Undoubtedly, this commemoration highlighted the historic importance of the First Conference, particularly as the birthplace of multilateral diplomacy to develop concerted and coordinated action in the quest for peace.

Ecuador feels that the commemoration was an important opportunity for reflection on and analysis of the three topics of the First International Peace Conference. It is clear that the noble goals and objectives of those who participated in it 100 years ago in defence of peace and international law remain fully valid today in our turbulent world.

The United Nations must redouble its efforts to pursue the objectives of the Decade, which will always be valid. We must also stress the importance of the commitment that all States should make to international law — a commitment that should include increasingly effective compliance with international law and respect for its principles.

Mr. Nejad Hosseinian (Islamic Republic of Iran): My delegation would like to associate itself with the statement made by the representative of South Africa, who spoke on behalf of the Non-Aligned Movement.

Ten years ago this Assembly made a historic decision. Upon the initiative of the Non-Aligned Movement and in accordance with General Assembly resolution 44/23, the period 1989-1999 was proclaimed the United Nations Decade of International Law. The proclamation of the Decade of International Law was

indeed a timely measure, indicative of the growing conviction of nations that in a highly interdependent world everyone's interests are best served by a more principled and orderly system based on law. This cardinal goal and the four main objectives of the Decade that were relevant at the time of the declaration of the Decade are applicable today and will continue to be pertinent in years to come. This is the message that we should convey to succeeding generations: peace and security in the world can be preserved only through the predominance of the rule of law in international relations.

At this stage, when the Decade is approaching its termination, a glimpse at the Secretary-General's report (A/54/362), which reflects the programmes carried out in the past 10 years, shows that much has been accomplished in implementing the Decade's concepts. First and foremost, the establishment of two ad hoc Tribunals by the United Nations to bring to justice the perpetrators of the most heinous crimes in the territory of the former Yugoslavia and in Rwanda, as well as the adoption of the Statute of the International Criminal Court in Rome in 1998, were among the major achievements of the community of nations during the Decade. We remain convinced that the establishment of a universal and effective Criminal Court will provide succeeding generations with the best hope for achieving a world spared the scourges of aggression and genocide, which over this century have caused the loss of millions of people's lives worldwide.

Moreover, various activities carried out in the course of the Decade have helped disseminate its noble goals among various sectors of the society of nations. The United Nations Congress on Public International Law, which was convened upon the proposal of the Islamic Republic of Iran and Mexico in this Assembly in 1995, was a successful exercise in involving pertinent institutions, academicians and individuals in the promotion of the Decade's purposes. Celebrations of the centennial of the first International Peace Conference of 1899, convened upon the initiatives of the Netherlands and the Russian Federation at The Hague and St. Petersburg in 1999, were also meaningful contributions to the Decade's activities.

Thus, we wish to commend all individuals, institutions, Governments and non-governmental agencies that have contributed to the dissemination of the lofty objectives of the Decade around the world and those who have helped to enrich the content of its programme of activities. The working group of the Sixth Committee on the United Nations Decade of International Law, as the main coordinating body of the activities of the Decade, and the United Nations Office of Legal Affairs deserve credit for their tireless efforts. Certainly, their endeavours have immensely facilitated the development and the implementation of the Decade's programmes.

The end of 10 years of focused work to promote the prevalence of the rule of law in international relations does not necessarily mean that all objectives of the Decade have been fully realized. I venture to take this opportunity to pinpoint two areas requiring serious and close attention in the coming years.

Firstly, it is crystal clear that in a well-organized world system based on the rule of law, decentralized reactions to possible cases of violation of norms and principles of international law cannot be permissible. It is equally true that in a law-abiding society of nations, States cannot and should not take the law into their own hands and be the judges of their own conduct. Obviously, the very nature of unilateral measures of a punitive character, which have unfortunately been on the rise in recent years, is detrimental to the cause of promotion of and respect for the principles of international law, which constitutes one of the main objectives of the Decade. The strong opposition demonstrated by various Governments around the world vis-à-vis the application of unilateral sanctions, including in particular the adoption of General Assembly resolutions 53/10 and 54/21, illustrates the firm determination of the community of nations to reject unilateralism in its entirety. Undoubtedly, the Charter of the United Nations, which has passed the test of time, provides appropriate mechanisms to counter those who challenge the basic norms of international society. It is therefore imperative for all States and international organizations to continue to act in accordance with international law and the Charter provisions. This is an important recommendation contained in the programme of activities of the Decade, which must be fully kept in perspective, in words and programmes and, more importantly, in deeds and decisions.

Secondly, I wish to underline the important duty assigned to the United Nations with respect to promoting disarmament and arms control, which undoubtedly is an essential factor for the preservation of world peace and security. Beyond doubt, years of negotiations in this field have led to some success in the prohibition of certain types of weapons of mass destruction. But despite the incremental success, achievements have been minimal with regard to the elimination of nuclear weapons. Moreover, recent developments in some regions have not only called into question the credibility of the non-

proliferation regime, but have also seriously challenged the effectiveness of the Comprehensive Nuclear-Test-Ban Treaty. Therefore, nuclear disarmament should be the focus of our attention for years to come. In these circumstance, we will not be comforted by believing that the turn of the millennium will easily bring about a secure world for humankind.

At the threshold of the new millennium, people around the world, in whose name the United Nations Charter was drawn up, continue to aspire towards full implementation of the Charter's purposes and principles. We, the representatives of the Governments elected by those people, should spare no effort to realize a world with full respect for human dignity, a better standard of living, strict adherence to international law and justice and, above all, the materialization of a secure world, free from weapons of mass destruction of any kind and the evil of war.

Mr. Enkhsaikhan (Mongolia): My delegation would first of all like to associate itself with the statement on this item made earlier by the representative of the Republic of South Africa on behalf of the Non-Aligned Movement.

Ten years ago, on this very day, the General Assembly declared the Decade of International Law in its resolution 44/23. The main purposes of the Decade were to promote acceptance of and respect for the principles of international law; to promote means and methods for the peaceful settlement of disputes between States, including the resort to and full respect for the International Court of Justice; to encourage the progressive development of international law and its codification; and to encourage the teaching, study, dissemination and wider appreciation of international law.

The Secretary-General's report on the Decade vividly demonstrates that it has been a success. Important international treaties and conventions have been concluded in such fields as environmental and human rights protection, disarmament and maintenance of international peace and security. In the latter field alone, the international community has witnessed the establishment of the International Tribunals for the former Yugoslavia, for Rwanda and for the law of the sea. The adoption of the Rome Statute of the International Criminal Court marked another milestone in strengthening both the concept of individual criminal responsibility and deterrence to the commission of heinous international crimes. The report also points out that recourse to the International Court of Justice has significantly increased. These points alone demonstrate that the Decade contributed significantly to the development and promotion of international law, thus promoting the strengthening of the rule of law.

Enormous work has been undertaken during the Decade to encourage the teaching, study, dissemination and wider appreciation of international law. Many important and useful conferences, seminars, symposia, training workshops and other activities have been successfully held. On its part, the Secretariat of the United Nations, especially the Office of Legal Affairs, has undertaken many useful measures, including promoting the implementation of the programmes and activities of the Decade, strengthening the Treaty Section's electronic database, expediting the registration of treaties and their publication, eliminating the enormous backlog in the publication of the United Nations *Treaty Series* and establishing Internet Web sites and an audio-visual library in international law. We believe that the Secretariat should be commended for taking these measures.

Within the framework of the Decade, the General Assembly, on Mongolia's initiative, last year adopted resolution 53/101 containing the principles and guidelines for international negotiations. We are confident that these principles and guidelines will prove useful for the management of international relations, the peaceful settlement of disputes and the creation of new norms of international conduct.

Mongolia welcomes the results of the celebrations of the centennial of the first International Peace Conference. The themes of the Hague Conference of 1899 — disarmament, humanitarian law, laws of war and peaceful settlement of disputes — remain as relevant today as they were 100 years ago. In this connection, we believe that the celebrations have contributed to further developing those broad themes. Thus, the spirit of the Martens Clause has found further development and embodiment in many international instruments. Therefore, my delegation joins previous speakers in expressing its gratitude to the Governments of the Kingdom of the Netherlands and of the Russian Federation for contributing to the organization of the celebrations of the centennial.

Although the Decade is drawing to a close, that does not mean that the international efforts in advancing the rule of law and the codification and progressive development of international law should be weakened. On the contrary, the end of the Decade marks a new stage in the efforts of the international community to strengthen

and promote further the principles and norms of international law. If we look around, we all realize that much more still needs to be done in this respect. Moreover, besides codification and progressive development of international law, the existing principles and norms need to be strengthened, strictly enforced and fully implemented.

As rightly reflected in the draft resolution before us on this item, Member States should consider becoming parties, if they have not yet done so, to the multilateral treaties adopted during the Decade, including those listed in the annex to the Secretary-General's report. We believe that the wider recognition and appreciation of international law achieved as a result of the Decade will undoubtedly serve to achieve these aims.

Mr. Singh (India): The Indian delegation expresses its appreciation for the efforts of the Governments of the Netherlands and of the Russian Federation for organizing and hosting activities to commemorate the centennial of the first International Peace Conference of 1899, held in The Hague. The centennial provided a valuable opportunity for experts from all over the world, including the Asian and African continents, to participate actively and make their contributions. The three important areas covered were peaceful settlement of disputes, disarmament and international humanitarian law. We would like to commend the four eminent Special Rapporteurs for their erudite and extremely well-researched reports, which provided the basis for participants to present their views. As one of the Friends of 1999, the Government of India was happy to be associated with this exercise. In this regard, we also commend the regional meeting held under the auspices of the Asian-African Legal Consultative Committee at New Delhi in February 1999.

The Hague Peace Conferences of 1889 and 1907 initiated a trend in the evolution of international organizations and international law by eliciting wider participation of States in deliberations on critical issues of international concern, and in the evolution of responses by the international community. While we recognize that achieving a consensus on difficult and sensitive matters in which the interests of the international community are divided is not easy, imposing a set of interests of one group of States rather than another, through the manipulation of conference techniques and procedures — a practice that has unfortunately become common of late — is equally undemocratic in a world where States are struggling at different stages of economic development and are hence faced with different sets of priorities in their national agendas.

The scope of crimes under international humanitarian law has increasingly been the subject matter of liberal interpretation. In this regard the impact of public opinion on the formation of *opinio juris* and customary law deserves closer scrutiny. The International Committee of the Red Cross study of customary rules of international humanitarian law, now in progress, will reveal whether States are prepared to accept an expansive interpretation of international customary law without much supporting practice. We have not yet invented any method acceptable to all in achieving the necessary consensus before certain principles can be ordained as prescriptions which all States are willing to accept as obligations admitting no reservations.

Whether it is the role of the Security Council under the United Nations Charter to establish a permanent international criminal court, to set up ad hoc international criminal tribunals or to enforce humanitarian law through such forums, the trend has been to push through certain ideas without making adequate efforts to develop suitable consensus at the universal level. An enhanced role for the Security Council, beyond the strict confines of the Charter, is not acceptable until its composition is geographically representative and its decision-making is in accordance with the well-established norms of equality. Blurring of the boundaries between international humanitarian law and human rights law, and the increasing universalization and criminalization of violations of human rights, gives rise to the imperative need for such crimes to be defined with the same clarity, precision and specificity required by criminal law.

We must, as we enter the new millennium, reflect on the root causes that impede the emergence of a legal community of mankind despite the evident physical and psychological interdependence that exists today and look for solutions to rapidly eliminate negative factors or forces. This is a challenge which we all have to meet as Asian, African, American or European people, each according to our capacity but with the same singular commitment.

Mr. Hanson-Hall (Ghana): My delegation supports the statement made by the representative of the Sudan on behalf of the African Group and the statement made by the Permanent Representative of the Republic of South Africa on behalf of the Non-Aligned Movement.

My delegation wishes to commend Zimbabwe and the Coordinating Bureau of the countries of the Non-Aligned Movement for their initiative in the declaration of the period 1990-1999 as the United Nations Decade of International Law.

As we mark the end of the United Nations Decade of International Law, we reflect on a period in which many significant developments have called into question the adequacy of contemporary principles of international law as well as the rules of diplomacy and relations between States. We have witnessed the demise of the cold war, the fragmentation of empires resulting in the birth of new nations and the dismantling of unjust political systems. At the same time, armed conflicts proliferated while mankind witnessed human catastrophes of unprecedented proportions. Meanwhile, the so-called new international order remains ill-defined. All these factors have compelled the Organization to search for new mechanisms to preserve international legality.

It is within this context that the significance of the declared purposes of the decade, as contained in resolution 44/23 of 17 November 1989, should be viewed. On the whole, the report of the Secretary-General contained in document A/54/362 shows that the programme has achieved some successes in all the areas outlined. Notable among the successes was the achievement of the objective of the promotion of means and methods for the peaceful settlement of disputes between States, including resort to, and full respect for, the International Court of Justice Committee to which there is increasing recourse by States. The allocation of additional resources to the Court shows the determination of the entire membership of the Organization to strengthen the Court as the world's highest judicial body.

My delegation considers the establishment of the International Tribunals for the former Yugoslavia and Rwanda and the adoption of the Statute of the International Criminal Court in Rome in July 1998 as welcome developments in our collective effort to provide legal and institutional frameworks to hold perpetrators accountable for crimes against humanity, war crimes, and serious violations of international humanitarian law. The full establishment of the Court will underscore the determination of the international community to put an end to criminal impunity wherever it occurs. In this connection my delegation is pleased to announce that Ghana ratified the Statute of the International Criminal Court on 11 November 1999 and steps are being taken to deposit the instrument of ratification with the Secretary-General.

By including the encouragement of the teaching, study, dissemination and wider appreciation of international law in the purposes of the decade-long programme, the Organization displayed great vision.

The report of the Secretary-General demonstrates that it is critical that the principles of international law be known by policy makers, all Government functionaries and the judiciary.

My delegation considers the teaching of international law to youth as critical in strengthening its acceptance as the foundation for the conduct of relations among nations for the promotion of peace and security. We agree with those who believe that studying abroad is an important means of widening one's perspective and narrowing the gap to avoid future misunderstandings. In this regard, the teaching of international law continues to be an important part of the curricula of universities and other institutions.

Furthermore, in his report to the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the Secretary-General outlined a wide range of activities being undertaken. The extent of the activities is illustrated by the range of the activities themselves, which include annual awards from voluntary funds to applicants for various fellowship programmes — seminars, courses and publications — not only of the United Nations but also of the United Nations Institute for Training and Research (UNITAR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). These fellowship programmes include the Geneva International Law Seminar, which is held in conjunction with the annual sessions of the International Law Commission, the International Law Fellowship Programme, which is held at The Hague Academy of International Law in the Netherlands, and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, whose fellows study at participating universities and institutions.

Data indicate that over the past decade 242 participants have benefitted from the Geneva International Law Seminar and that 185 fellowships were also granted under the International Law Fellowship Programme. Since its inception in 1965, 783 participants of 146 nationalities have taken part in the Geneva International Law Seminar during the sessions of the International Law Commission, with 443 of them having received fellowships.

We have said before that despite this impressive number of fellowships awarded, many more applications could not be favourably considered due to the lack of funds. Consequently, with the demand for grants for the execution of this Programme being far higher than the resources can support, the lack of financial resources is hampering the greater achievement of the potential that exists under this Programme.

Despite this resource constraint, the Advisory Committee wishes to express its appreciation to all Member States, organizations, universities, philanthropic foundations and other institutions that have contributed in diverse ways to make the implementation of various categories of the Programme relatively successful. With the reasonably notable successes achieved under the Programme, we hope that States and organizations will feel encouraged to make more voluntary contributions to make possible a higher level of achievement in promoting the noble ideals envisaged under the Programme. We believe that it would be beneficial to developing countries if UNITAR's efforts under the Programme could be enhanced.

My delegation also commends the Office of Legal Affairs for its efforts to bring up to date the United Nations *Treaty Series* and the *United Nations Juridical Yearbook*, as well as its efforts to place the *Treaty Series* and other legal information on the Internet. In this regard, the technical details slowing down the efforts being made to create access to the *Treaty Series* electronic database should be remedied. In addition, my delegation notes with appreciation the compilation of the United Nations audio-visual library on international law, which covers very important areas of international law.

All in all, my delegation is gratified to note that delegations to its thirty-fourth session unanimously adjudged the Advisory Committee's Programme of Assistance an important component of United Nations Decade of International Law. It is heartening that the Programme will continue in operation after the closure of the Decade. It is indeed regrettable that such a programme cannot be expanded due to financial constraints. We commend for the support of all delegations the guidelines and recommendations regarding the execution of the Programme in the biennium 2000-2001 contained in the Secretary-General's report.

At this juncture, permit me to acknowledge the significant contribution made to the Programme by the Asian-African Legal Consultative Committee (AALCC). The AALCC has established itself as a major forum for international cooperation. The orientation of its work programme to meet the challenges posed by contemporary international society, especially within the framework of the activities of the AALCC's cooperation with the United Nations, is enviable.

My delegation would like to thank the Governments of the Kingdom of the Netherlands and the Russian Federation for the organization and the successful celebration of the centennial of the first International Peace Conference. The active participation in the centennial celebrations of the Secretary-General, Mr. Kofi Annan, was most gratifying and attests to the high priority attached to the rule of law in international law. My delegation also recognizes the singular role played by the Office of Legal Affairs of the United Nations Secretariat and the contributions of other dignitaries.

My delegation ventures to say that as we conclude the celebration of the Decade we should remind ourselves about the dangers facing United Nations staff members, both at Headquarters and elsewhere, who undertake dangerous missions in order to foster international peace and security. Our attention has been drawn to the fact that during the Decade several regular and locally recruited United Nations employees have been killed in the line of duty and that some staff members are still missing. My delegation is convinced that if Member States were to undertake the sustained education of their citizens about the important role United Nations employees play in our desire to encourage the acceptance of the primacy of international law — and in particular if they gave practical effect to the Convention on the Safety of United Nations and Associated Personnel — greater respect for the activities of the United Nations and its staff would be forthcoming more readily. To this end, we would like to emphasize that the United Nations will continue to be the conscience of mankind and the wheel around which international law will revolve. My delegation therefore encourages all Member States to show commitment to the ideals of the Organization in order to strengthen the respect for the rule of international law.

Mr. Franco (Colombia) (*spoke in Spanish*): It is a true honour for my delegation to participate in this debate to share some observations regarding the United Nations Decade of International Law. Colombia participated in the preparation of the visionary evaluation given by the delegation of Mexico on behalf of the Rio Group, as well as in the thoughtful presentation made by the delegation

of South Africa on behalf of the Movement of Non-Aligned Countries. We therefore associate ourselves with the contents of both statements.

During the general debate on 20 September 1999, the President of the Republic of Colombia, Andrés Pastrana, highlighted one of the central elements that best illustrates how my country views its international relations by saying that

> "Colombia is not a military or economic power. Nonetheless, it is respected by the community of nations for its unlimited and unconditional support for the norms and principles of international law." *(A/54/PV.5, p. 11)*

The consideration of the agenda item entitled "United Nations Decade of International Law" at a time of such complexity for the international community compels us to reflect on the validity, relevance and significance of the general principles of international law, because these principles are a *sine qua non* for the peaceful coexistence of nations.

It bears repeating time and time again, in all international, multilateral and bilateral forums, that there is a real need for strict compliance with every one of the general principles of law enshrined in the Charter of the United Nations. More than ever before, our community of nations must accept this commitment by respecting justice and order, and by harmonizing the moral commitments of our Governments with the political realities that they may face domestically and internationally.

We take the unique opportunity offered by this commemoration to call on those Governments that in one way or another may not be basing their actions on these principles to begin to do so without delay and in every circumstance. The people of Colombia are convinced of the negative consequences of State action that is not in accordance with these minimum guidelines of behaviour, which the community of nations has accepted as the foundation of international peace and security. Respect for the general principles of law is a sign of democracy, pluralism and respect for individual human rights.

The principle of *pacta sunt servanda* cannot be ignored by any State under any circumstance. Naturally, Colombia complies strictly and in good faith with those international obligations that it has accepted. Consequently, we expect other States also to comply in good faith with the international obligations they have assumed in the context of multilateral or bilateral negotiations. This kind of behaviour must be mandatory in dealing with all issues, be they security- or trade-related, in bilateral and multilateral forums. Rejection of this principle would be tantamount to enabling the gradual establishment of an international system based on anarchy and insecurity. It would also facilitate the consolidation of a system of relations without rules in which the behaviour of other Governments would be unpredictable, indecisive and erratic.

Compliance with, and strict respect for, the principle of non-intervention in the domestic affairs of other States is the basis of all international relations. Regrettably, there have been many recent examples of violations of this principle. In some cases, powerful nations have ignored it; in other instances, smaller States have intervened in the domestic affairs of other States. The truth of the matter is that, regardless of who champions this approach, unquestionably the good intentions underlying an intervention have the potential of leading to bad results.

By complying with the two general principles I referred to earlier, we will also strengthen the United Nations. However, there are other principles that we should not overlook. These include good-neighbourliness and friendly relations among nations; the non-use of force in international relations in violation of the sovereignty and territorial integrity of States; the peaceful settlement of disputes; the independence and sovereign equality of States; and the right of peoples to self-determination.

General principles are at the heart of peaceful coexistence among nations. They are valid for all societies because they were devised, and are applied, with the very nature of the human individual in mind. These principles do not belong to a particular legal system but to all of them. They are values of international protection that are reflected in several international treaties that Colombia considers to be most useful.

With these brief comments we have tried to show that we must avoid the temptation of viewing the Decade as the end of a process. Instead, this moment should be regarded as the beginning of an effort to build an international society of nations. Now is the time to implement the international rules of law that the 188 States Members of the Organization have adopted as the norms, standards, principles, institutions and procedures that make up international public law.

Mr. Mangoaela (Lesotho): My delegation fully associates itself with the statements made by the representative of the Sudan on behalf of the African Group; the representative of South Africa on behalf of the Non-Aligned Movement; and the representative of Mozambique on behalf of the Southern African Development Community.

The United Nations Decade of International Law, whose closure we are commemorating today, has coincided with a momentous period in international affairs. There have been significant achievements, but it must be acknowledged that in the course of the Decade there have been terrible disasters — wars and internal conflicts that reflect the continued deficiency in the development of, and adherence to, international law. As we commemorate the progress of this important Decade — and there have been extraordinary achievements — we must also reflect on the great amount of work which must still be done to achieve the noble goals of the Charter.

The main purposes of the Decade, as reflected in resolution 44/23, were, *inter alia*, to promote acceptance and respect for the principles of international law; to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; to encourage the progressive development of international law and its codification; and to encourage the teaching, study, dissemination and wider appreciation of international law.

The Decade was the initiative of the Movement of Non-Aligned Countries, and we should express our appreciation to the Movement, in particular to the then Chairman, Zimbabwe, and to Foreign Minister Shamuyarira, who provided vital vision and leadership in 1989. My delegation would also like to express its sincere appreciation to the Government of the Russian Federation and to that of the Kingdom of the Netherlands for co-hosting the centennial celebrations of the International Peace Conference. The centennial and related forums provided substantive evaluation of the progress of international law during the past century and identified essential goals which must be achieved in the next.

The centennial process adopted the themes of the 1899 Conference: the question of armaments, the peaceful settlement of disputes, the laws of war and humanitarian law. It must be noted that the great hopes and aims of the 1899 and 1907 Hague Peace Conferences were not realized in the twentieth century, which has been the bloodiest and most war-ridden in all of human history.

During the past 100 years, in particular during the past decade, the peaceful settlement of disputes has been the exception rather than the rule. Acceptance of the compulsory jurisdiction of the International Court of Justice remains a distant goal; respect for the World Court's decisions is essential if the next century is to be more peaceful and lawful. The goal of the 1899 Conference of limiting the production of armaments has also gone unrealized. Instead, this century has witnessed the development and proliferation of the most destructive weapons imaginable. For five decades, the world community has lived with the threat of annihilation. The hopes that the end of the cold war would usher in a period of unparalleled cooperation and progress have not been supported by the stagnation of negotiations and the development and testing of new weapons by some nations.

As we approach the end of the twentieth century, the world community is horrified that this century has witnessed the tendency for civilians to become the main victims of war. We have witnessed the escalation of the use of children as soldiers and the devastating use of weapons, such as landmines, which slaughter more victims — almost all of them civilians — after the cessation of war than during the hostilities.

For Africa, especially my country's region of southern Africa, these failures have been profoundly devastating. Conflict and strife, now mostly internal, continue to engulf the African continent. It is not weapons of mass destruction, but small arms which are causing the greatest suffering, instability and loss of life. Africa cannot emerge from its terrible economic and political turmoil unless respect for international humanitarian law is enforced in the new century. In this sense, the purposes and goals of the Decade have had the greatest relevance for my country and my region.

Although our journey has been long and painful, major strides have been taken during this fateful century. During the past decade alone, important new international laws and regimes have been established and have come into force, protecting the oceans, the air and water; trying to achieve for the next generation the goal of stopping the proliferation of nuclear weapons; outlawing the development of other weapons of mass destruction; advancing human rights, regional security and cooperation; and confronting terrorism, drug trafficking and other forms of organized crime.

The adoption of the Rome Statute of the International Criminal Court has been hailed as the greatest advance in the rule of law since the adoption of the United Nations Charter. My country and region are committed to its ratification and early entry into force. This new world Court, and the complementary system of international justice that it will anchor, provides one of humanity's best hopes that millions of lives in the next century will be spared the devastation and horrible suffering experienced during the past 100 years.

The United Nations cycle of world conferences and summits — the largest gatherings of nations, leaders, treaty bodies and civil society in history — has coincided with the Decade of International Law. The Secretary-General has reinforced these processes with agendas for peace, development and democracy. The agendas, plans of action and new international laws emerging from these historic conferences and processes offer the vision and step-by-step goals which, if implemented, will guide the international community towards the most secure and sustainable international legal order that the world has ever known. One of the most extraordinary conferences — the Hague Appeal for Peace Conference — was convened not by the United Nations, but by non-governmental organizations of civil society. The report on the centennial Conference, in document A/54/381, notes the close cooperation between the organizers of the centennial celebrations and the non-governmental organizations, whose 10,000 delegates from 1,000 organizations, countries and international organizations put forward the Hague Agenda for Peace and Justice in the Twenty-first Century.

The report of the Secretary-General in document A/54/362 outlines substantial achievements in the encouragement of the teaching, study, dissemination and wider appreciation of international law. A great thinker once described history as a race between education and disaster. It is vital that all sectors of the world community better understand the importance and role of international law. Thus, we commend the efforts made during the Decade to expand the knowledge and training of educators, young people, parliamentarians, the media and others. It is indeed important that in addressing the objective of the progressive development of international law, as well as its teaching, study, dissemination and wider appreciation, we do not forget those who are not part of these negotiations but who are strongly affected by them: the younger generation, which is still groping for a stable concept in an ever-more rapidly changing world. Today's youths are tomorrow's leaders. Hence, it is through our strong and sincere efforts today to engage them that the goal of the wider knowledge of international law among Governments, national administrations and the judiciary can be achieved tomorrow. We thus commend the United Nations and the Office of Legal Affairs for their efforts to extend access to its treaties and processes via the United Nations Internet Services.

The Secretary-General's report, in documenting the significant progress achieved in the development and codification of international law, notes the important work which is being done by the International Law Commission and, increasingly, by the Sixth Committee. The enhancement of the legislative role of the Sixth Committee may be one of the least known, but most significant, achievements of the Decade and one of the most important ways in which the General Assembly is improving its effectiveness and accountability.

My country welcomes the advances in the promotion of means and methods for the peaceful settlement of disputes which have been made during the Decade. Tribunals to settle disputes relating to the law of the sea and to trade have begun; and two Tribunals to address war crimes and crimes against humanity have been established.

Enhancing support for the International Court of Justice was a key goal of the originators of the Decade. The International Court of Justice is the principal judicial body of the international legal order; it is as unique as it is universal. The acceptance of the jurisdiction of the International Court of Justice by powerful and weak nations alike is perhaps the world's best measure of the acceptance of the rule of law in international affairs. The "opt in, opt out" treatment of the Court and its decisions by some nations reflects the precarious state of international law. The rights of sovereignty cannot excuse impunity under fundamental international legal principles and laws.

In this regard, my country notes with optimism the increased use of the International Court of Justice in recent years. Growing confidence in the International Court of Justice is evident in its increasing role in global issues, such as the legality of the use of force, genocide, reprisals, maritime delimitation and territorial questions. We take special note of the Court's Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, for in no other matter is the stark contrast between the choice of war and peace more clear. The opposite of mutual assured destruction is the just rule of law in international affairs. This was at the heart of the purpose

of the United Nations Decade of International Law, and our commitment to this goal must not end with the closure of the Decade. For the International Court of Justice to develop to its full potential, it is necessary that a greater number of countries, especially those that are in position to be world leaders in the next millennium, resort to its jurisdiction and respect its decisions. With the added confidence in the International Court of Justice comes the obligation to ensure adequate resources and improvements in working conditions for the Court, relative to its expanding global importance.

In conclusion, my delegation thanks the Secretary-General for his report and supports the call for it to be disseminated as widely as possible. For us, today's commemoration offered an opportunity for genuine reflection on and rededication to the noble principles of the Decade.

Mr. Kolby (Norway): Over the past 10 years we have observed an increasing acceptance of the rule of law as the governing principle in relations between States. Likewise, the body of international law has been strengthened by the adoption of several ground-breaking instruments such as the Rome Statute of the International Criminal Court.

Norway welcomes the Secretary-General's report on the United Nations Decade of International Law. Norway further welcomes the outcome of this year's celebrations of the centennial of the first International Peace Conference. In particular, we would like to congratulate the Government of the Kingdom of the Netherlands and the Government of the Russian Federation for their efforts to arrange the meetings that took place at The Hague and at Saint Petersburg. They constituted a major contribution to the appropriate commemoration of the 1899 Peace Conference. As to the agenda of the centennial, the issues are no less important today than they were 100 years ago: they are issues of disarmament and demobilization, humanitarian law and the laws of war, and the peaceful settlement of disputes.

With respect to humanitarian law, we share the view that priority should be given to promoting compliance with existing law rather than to adopting a number of new instruments — although some development of existing law remains desirable in some important fields. Continued efforts must at this stage be directed at activating national signature and ratification procedures to secure the early establishment of the International Criminal Court. The existence of a permanent global institution of that kind will significantly enhance deterrence against the most heinous international crimes. It will be significant not least in reducing the reaction time of the international community as compared to that involved in establishing new ad hoc tribunals. Norway's preparations are well under way with a view to prior parliamentary approval of ratification.

On the threshold of a new century, the Secretary-General has submitted a timely and comprehensive report on the protection of civilians in armed conflict (S/1999/957). We welcome this addressing of a dimension of humanitarian law which regrettably requires more attention than ever. It seems fundamental that the United Nations and the international community must remain seized of the challenging task of pursuing means to prevent conflicts, and pending success, of ensuring the protection of civilians in armed conflict, including compliance with the essential principles and rules of conduct of armed conflict contained in, *inter alia*, the Geneva Conventions of 1949 and their Additional Protocols of 1977.

Within this context, the safety of United Nations personnel is a critical issue. We welcome the entry into force in January this year of the 1994 Convention on the Safety of United Nations and Associated Personnel. The Convention represents a major contribution to this cause. We encourage more States to commit themselves to the Convention. In this context we would like to touch also upon the question of the applicability of international humanitarian law in United Nations peacekeeping operations. Norway supports the general idea of guidelines for peacekeepers. However, we are of the opinion that the guidelines published by the Secretariat through the Secretary-General's bulletin need further study and consultations before they are ripe for implementation in peacekeeping operations.

The promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, was in our view a core purpose of the Decade of International Law. The International Court of Justice is the principal international judicial body and possesses a unique competence and universality. The Court contributes considerably to the settlement of international disputes as well as to the interpretation and development of international law. During the past decade there has been an increase in the number of cases brought before the Court. We welcome that development while acknowledging the financial constraints of the Court. Norway is pleased to learn that the Advisory Committee on Administrative and Budgetary Questions has given

favourable consideration to the budgetary request concerning the Court.

Norway urges all States to take advantage of the competence of the International Court of Justice. That court and other international judicial institutions are cornerstones of an international community built on respect for treaties and the rule of law. Moreover, we must ensure that the Decade's achievements in consolidating an orderly law-based international system are carried on into the next century.

Recently, the issue of humanitarian intervention involving the use of force has been a matter of public debate. In academic publications there have been attempts to develop new doctrines of humanitarian intervention to justify the use of armed force outside the framework of the United Nations Charter. Such attempts are a matter of serious concern to us. We fear that introducing new doctrines of humanitarian intervention could be hazardous. It could easily lead us away from an international order founded on international law towards one based on power politics. We fear that might — the prerogative of the strong — could come to replace right. We fear also that new doctrines on humanitarian intervention may be misused to legitimize aggression. This could be highly detrimental to the security interests of small States such as Norway. History has also repeatedly shown the need to be extremely cautious about using new doctrines to justify military intervention in the name of overriding necessity.

Awareness of the vital interplay between the international protection of human rights and fundamental freedoms on the one hand, and measures to maintain or restore international peace and security on the other is gaining ground. This is also manifest in the Security Council's response to the conflicts of the 1990s. In the former Yugoslavia, Somalia, Rwanda and East Timor the Council has invoked Chapter VII of the United Nations Charter to react to gross violations of human rights, to grave breaches of humanitarian law, to crimes against humanity and to acts of genocide.

Thus, throughout this decade, the practice of the Security Council establishes beyond any doubt that when faced with such massive crimes, the Council may act under Chapter VII of the Charter and decide on measures to maintain or restore international peace and security. The establishment of the ad hoc tribunals for the former Yugoslavia and for Rwanda, the Security Council's management of the situations in Bosnia and Herzegovina and in Kosovo and its authorization of the use of armed force in Somalia are pertinent cases in point. As these examples illustrate, such measures may be peaceful, but they may also involve the threat or use of force.

In addition, international law allows for a broad range of peaceful responses to serious violations of human rights or other standards of humanity. Recourse by a State or a group of States to such mechanisms would never amount to interference in matters which are essentially within the domestic jurisdiction of the State at fault or to infringement of its sovereignty.

We are convinced that the threat or use of force in international relations must have a legal basis in the Charter of the United Nations. A difficult humanitarian situation may be part of the Security Council's assessment of whether a situation constitutes a threat to international peace and security. It is, however, not in itself a sufficient legal basis for employing the threat or use of force. We therefore fully concur with the Secretary-General, Mr. Kofi Annan, who in his important address in The Hague on 18 May 1999 eloquently summed up the challenge that confronts us in the following way.

> "Unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force, we are on a dangerous path to anarchy... But equally important, unless the Security Council can unite around the aim of confronting massive human rights violations and crimes against humanity on the scale of Kosovo, then we will betray the very ideals that inspired the founding of the United Nations."

We do not find the concept of humanitarian intervention to be particularly useful in a constructive discourse on the crucial but highly difficult question raised by the Secretary-General.

Mr. Shobokshi (Saudi Arabia) (*spoke in Arabic*): For over five decades, since the establishment of the United Nations, this Organization has assumed responsibility for maintaining international peace and security. The activities undertaken by the Organization to achieve that goal have covered many fields, including human rights, disarmament, outer space, economic development, international trade, crime prevention and criminal justice, the environment, fighting terrorism and the establishment of an International Criminal Court. As a result of all those activities, many relevant resolutions

and decisions have been adopted by various United Nations organs. The General Assembly, in its resolution 44/23 of 17 November 1989, proclaimed the period 1990-1999 the United Nations Decade of International Law, the purposes of which include promoting acceptance of the principles of international law and respect for international law by strengthening acceptance of multilateral treaties and providing technical assistance and advice to States to facilitate their accession to such multilateral treaties.

Also among the purposes of the Decade was the encouragement of peaceful settlement of disputes among States by providing opportunities for States and international organizations to express their views and to make proposals in order to find the most effective means for the peaceful settlement of disputes. Another major purpose of the Decade was to encourage the progressive development, teaching, study and codification of international law. The programmes offered by the world Organization to teach and disseminate international law cover many areas, including offering fellowships and holding seminars on international law, such as those held in Geneva. In addition, States promote the teaching of international law at all levels of education and organize seminars, conferences, workshops and relevant lectures at the national, regional and international levels. All this underlines the importance attached to international law by the Organization and the genuine desire of States to promote a wider appreciation of it.

On this occasion, my delegation wishes to stress the need to maintain and extend this exercise beyond the time-frame of the Decade so that the expected goals of the Decade can be achieved. Furthermore, we would like to pay tribute to the role undertaken by the United Nations through its Office of Legal Affairs to supervise the international legal Web site which the United Nations has set up to make available and update information on its programmes and functions in many areas, including the United Nations Treaty Collection, international trade law, the codification and progressive development of international law and the International Law Commission and its updating. My delegation would like to pay tribute to the United Nations for establishing a new Web site this year devoted to the Rome Statute of the International Criminal Court. We also pay tribute to the United Nations Office of Legal Affairs for the guide published in 1997 on international environmental law.

A few months ago, we celebrated the centennial of the first International Peace Conference. Today we observe the end of the United Nations Decade of International Law. It is our hope that peace and security will prevail throughout the world and that, learning from the horrors of the past, parties will resolve all their disputes by peaceful means. This hope highlights the need to respect the resolutions and decisions adopted by the United Nations so that these noble purposes and principles can be fulfilled.

The Kingdom of Saudi Arabia has supported and will continue to support any efforts and international endeavours aimed at achieving the purposes of the United Nations Decade of International Law. On this occasion, we call upon other delegations to work, under the constantly changing conditions of our world, towards achieving those purposes and unifying and coordinating efforts so that optimum results can be attained.

Today we observe the end of the United Nations Decade of International Law, during which conventions and protocols have been adopted in many areas. Many are still being debated and negotiated. Efforts by the United Nations to encourage peaceful methods and means for settling disputes among States, achievements made in the progressive development and codification of international law and the encouragement of its study, teaching and wider appreciation — all these demonstrate the relevance of the United Nations endeavour to fulfil the purposes of the Decade. This endeavour acquires even greater significance as we stand at the threshold of a new century, which we hope will see closer and more harmonious international relations analogous to the breakthroughs in the fields of science and technology.

These efforts by the United Nations should be matched by increased international commitment to the provisions of instruments aimed at permanent security, peace and progress for all peoples of the world.

Mr. Kafando (Burkina Faso) (*French*): First of all, I would like to associate myself with the statements made by Mr. Omer Mohamed of the Sudan on behalf of the African Group and by Ambassador Dumisana Kumalo of South Africa on behalf of the Non-Aligned Movement.

The United Nations Decade of International Law, established under resolution 44/23 of 17 November 1989, is coming to an end. My delegation, like so many others, would like to participate in this very special event by sharing with the Assembly a few thoughts.

The President took the Chair.

First of all, it is fitting and essential to recognize the contribution of international law to the elaboration of an international society in which, whether we wish it or not, the role of the law is daily becoming more predominant than that of force. From Grotius to Jellinek, from Anzilotti to Kelsen and Duguit, from Poulanzas to our eminent internationalists on the International Law Commission — they all shared in designing the contemporary positive law that governs international life. Their efforts and good qualities are certainly praiseworthy, but in the context of an ever-changing world, the codification of international law is like Penelope's cloth, forever being woven with no hope of completion.

That is why the United Nations, in embracing such a gigantic enterprise, conferred it on distinguished experts whose work in the International Law Commission is universally lauded. This is also why the United Nations declared a Decade of International Law, with four main objectives: to promote acceptance of and respect for the principles of international law; to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; to encourage the progressive development of international law and its codification; and to encourage the teaching, study, dissemination and wider appreciation of international law.

The commemoration of the end of the United Nations Decade of International Law naturally raises the question of what it has achieved. Where do we stand?

From this point of view, we would like first of all to express our pleasure at the major achievements noted in the Secretary-General's report. Major advances in various important areas of international law have been observed.

The Secretary-General's report makes it possible to assess the Decade's achievements from two perspectives. First, from the point of view of the activities of States, the Decade was marked, *inter alia*, by the promotion of the acceptance of and respect for the principles of international law through participation and involvement in the drafting and implementation of multilateral treaties; the promotion of means and methods for the peaceful settlement of disputes between States, which is seen in the number of cases brought before the International Court of Justice or before arbitration bodies; the promotion of the progressive development of international law through intensive bilateral and multilateral efforts to regulate international relations; and the encouragement of the teaching, study and dissemination of international law, *inter alia*, by means of educational programmes, United Nations assistance for training — particularly under the auspices of the United Nations Institute for Training and Research — and the publication of documents.

With respect to the activities of the United Nations to promote the progressive development of international law, the report of the Secretary-General cites codification efforts in such important areas as human rights, disarmament, outer space, economic development, international trade, the prevention of crime, penal justice, environment and the law of the sea.

Burkina Faso is thus quite right in regarding the bottomline as positive, though there remain issues on which the international community could enhance its efforts. In many respects and as regards several issues, the developing countries have been treated as mere extras in the precess of drafting multilateral treaties. Therefore, assistance and technical advice to States should be increased, according to States' level of development, so as to allow them to participate more easily in the drafting of multilateral treaties. Similarly, training and education programmes in the field of international law should be increased.

Without wishing in any way to diminish the importance of other issues raised within the context of the Decade, Burkina Faso nonetheless gives special priority to two particular aspects: the teaching, study and dissemination of a wider appreciation of international law, and the provision of assistance and technical advice to States so that they can participate more easily in the process of drafting multilateral treaties. In our view, these two objectives could help enhance the aptitude, the capacity and the involvement of States in the field of international law, because working to enhance the capacity of States is a means of increasing the acceptance of, understanding of and respect for international law.

The Decade is coming to a close, but it has indisputably created a momentum that must endure. The considerations it has brought forth must continue to guide our Organization and its Member States in their activities, because much remains to be done in implementing and enhancing respect for the many instruments that have been adopted, in regard to condification in new areas and in regard to the willingness to have recourse to the International Court of Justice and to arbitration bodies and to respect their decisions.

All human activities are perfectable, and the results of the Decade should allow us to aim even higher and more accurately.

It is my firm conviction that if we remain committed to continuing our activities aimed at attaining the objectives of the Decade, together we will be able to build an international society that is more harmonious, fairer and, consequently, more capable of meeting the challenges of our times.

Mr. Tudela (Peru) (*spoke in Spanish*): Peru supports the statement made this morning by the delegation of Mexico on behalf of the Rio Group and the statement made by South Africa on behalf of the Non-Aligned Movement.

A decade has passed since 17 November 1989, when the General Assembly declared 1990-1999 as the United Nations Decade of International Law, in order to promote the acceptance of and respect for the principles of international law to promote means and methods for the peaceful settlement of disputes between States, to encourage the codification of international law and, lastly, to encourage the teaching, study, dissemination and wider appreciation of international law.

With respect to promoting the acceptance of and respect for the principles of international law, we note a significant increase in the number of legal instruments in force, as well as a greater number of States parties to each of them. Peru, in keeping with its traditional attachment to international law, has also taken part in this process.

We are pleased that resort to the International Court of Justice is becoming more frequent, and we urge all States involved in disputes not to stop trying to find negotiated, peaceful solutions to them.

With respect to the promotion of the study, dissemination and wider appreciation of international law, the use of computers and the Internet have been extremely valuable. In this regard we commend the Codification Division of the Secretariat for its important and vigorous work in placing on the Internet both the *Treaty Series* and other important legal instruments. In this context, we welcome in particular the recent opening of a site that offers specific information on the topics currently being dealt with by the Sixth Committee.

Furthermore, we welcome the continuation of international law programmes and seminars being organized in various countries and, in particular, the annual fellowships to the Geneva International Law Seminar, the International Law Fellowship programme at The Hague and the Hamilton Shirley Amerasinghe Memorial Fellowship. We hope that the donor countries will continue to support these programmes, which are an important educational tool.

All of these activities are a source of satisfaction to Peru. Nonetheless, serious doubts remain about the role of international law in the future, not only for the Organization but also for international relations as a whole. We have reached the end of the century and many wonder about the future. We will not venture to provide an answer, but we do believe that the maintenance of peace and friendly relations among Member States will depend largely on how this question is resolved.

International law emerges as the embodiment of a legal norm accepted by States. Thus, it will be effective only if this desire is supported by the political will of States to adhere to this order. As a result, we are deeply concerned by the possibility that, instead of an effort to shape an inter-State *opinio juris* to develop legally binding provisions, an attempt should be made to apply ideological dogma, a pseudo-declarative international law.

Before concluding, we wish to convey our gratitude to the Governments of the Netherlands and the Russian Federation for having prepared the commemoration of the centennial of the First International Peace Conference in The Hague, in which both nations played a major role. This was an historic occasion at which the international community met to promote law as an effective means of preserving the stability of the international system, thus laying the cornerstone of contemporary international law and its subsequent development.

Mr. Amer (Libyan Arab Jamahiriya) (*spoke in Arabic*): The representative of the Sudan spoke on behalf of the States of the Organization of African Unity, while the representative of South Africa spoke on behalf of the States members of the Non-Aligned Movement. My country is a member of both organizations. I endorse their statements and wish to add the following.

On this day, as we mark the end of the United Nations Decade of International Law, we feel that this is an appropriate opportunity to assess the achievements made in the course of the Decade in codifying and strengthening international law and to review the obstacles that have hindered the implementation of the specific objectives set out in General Assembly resolution

44/23 of 17 November 1989. These objectives include, *inter alia*, the promotion of the acceptance of and respect for the principles of international law; the promotion of means and methods for the peaceful settlement of disputes between States; the encouragement of the progressive development of international law and its codification; and the encouragement of the teaching, study, dissemination and wider appreciation of international law.

We note the important progress achieved in the course of the past 10 years in the progressive development of international law. Several conventions and international instruments have been adopted, including the Rome Statute of the International Criminal Court and the elaboration of an international convention for the suppression of terrorist bombings. The International Tribunal for the Law of the Sea has been established as one of the mechanisms of the United Nations Convention on the Law of the Sea. A number of conferences, seminars and workshops have been organized. All this highlights the broad achievement of one of the main objectives of the Decade: the encouragement of the teaching, study, dissemination and wider appreciation of international law.

Our delegation wishes to take this opportunity to express its full appreciation of the work undertaken by the United Nations Office of Legal Affairs and its efforts to facilitate access to information on the activities of the Organization in the field of international law, particularly the posting on the Internet of the United Nations *Treaty Series* and the Advisory Opinions of the International Court of Justice. We look forward to that Office's redoubling its efforts to make all its publications in that field, including the United Nations Juridical Yearbook, accessible in all the official languages of the United Nations.

One of the objectives of the Decade was to promote the peaceful settlement of disputes through resort to United Nations mechanisms, particularly the International Court of Justice. It is indeed satisfying to note that the Decade has witnessed recourse to the Court by an increasing number of States, my country among them. We have resorted to the Court on more than one occasion in order to settle several boundary-demarcation disputes with our neighbours and have faithfully implemented its judgments, including those not in our favour. We have done so out of respect for international law and our commitment to implementing all the decisions of this principal judicial mechanism of the United Nations. We believe that the International Court of Justice is the central point of reference for the international community in interpreting international law. My country has resorted to the Court once again to settle its dispute with the United States of America and the United Kingdom over the Pan Am 103 incident over Lockerbie. We consider this dispute to be under the exclusive jurisdiction of the International Court of Justice, in accordance with international law.

Our celebration today underscores once again the importance attached by the international community to the strengthening and development of international law. Unfortunately, despite the passage of 10 years since the declaration of the Decade and of 100 years since the First International Peace Conference, which laid the foundations for the establishment of many rules of international law, the international community has yet to achieve full compliance with and respect for these rules, particularly in the field of the peaceful settlement of disputes between States. Some States have resorted to the use of force to settle their disputes, while others have resorted to international mechanisms, especially the Security Council, to impose sanctions before all attempts to settle these disputes peacefully have been exhausted, as the Charter dictates that they should. The international community has failed to end such practices, which contravene international law and the objectives of the Decade.

In several instances, these practices and laws have transcended regional boundaries, such as the Helms-Burton and D'Amato-Kennedy Acts, promulgated by the United States Congress and applied by the United States Government against individuals and entities of other States, and which it threatens to apply against other States and persons if they deal with States that stand up to the United States attempts to impose hegemony.

While fully realizing that most members of the international community have repeatedly stated their rejection of such practices, we believe that today, as we mark the conclusion of the Decade, the international community has the opportunity to reaffirm its intention to adopt all the measures necessary to do away with such laws because they contravene the purposes and principles of the Charter of the United Nations and the need to respect commitments based on treaties, conventions and other sources of law.

My country, like other States, has adopted several measures to reinforce international law and to encourage the study and dissemination thereof. Libya is a member of most international conventions dealing with disarmament, international terrorism and human rights. International law and humanitarian law are mandatory

subjects at Libyan universities and military academies. We have organized several seminars to disseminate information on international law. Our delegation would like to take this opportunity at the end of the Decade of International Law to reaffirm that Libya will always maintain its respect for the rules of international law and its adherence to its provisions because we firmly believe that this can help create a world where justice rules and peace and security prevail.

Mr. Gao Feng (China) (*spoke in Chinese*): The United Nations Decade of International Law has registered many tangible achievements, as is faithfully reflected in the Secretary-General's report. I would like to express my appreciation for this. The Chinese delegation has already made its comments on these achievements in its statement to the Sixth Committee. Moreover, we believe it is necessary, against the backdrop of some of this year's major events in international relations, to reflect further on major issues that have an important bearing on the direction of the development of international law.

The development of international law is at a crossroads. Since the end of the cold war, regional or subregional conflicts resulting from intra-State ethnic problems have become new threats to the international peace and security, subjecting the international order, embodied in the United Nations and its Charter, to unprecedented challenges. Humanitarian intervention under the pretext of protecting human rights is being used by some influential politicians as an answer to such challenges.

We all know that examples of humanitarian intervention are not hard to find — at least that has been the case over the past 150 years — but its legality under international law has always been doubtful and controversial. This is because in the past 150 years there has never been a case in which the intervening State has not abused humanitarian principles for the sake of its own interests. The unlawfulness of this is clearly stated in the United Nations Charter. Post-cold-war examples in Africa and the Balkans have shown that humanitarian intervention is still being used as an excuse for certain countries to realize their own strategic interests. Such intervention is selective. It is an unlawful act carried out by one or two countries or a group of countries on the basis of double standards. Its nature did not, does not and will not change. It is ironic that even those who have carried out such interventions might also be reluctant to discuss or develop criteria for humanitarian intervention to acquire legality under international law because doing so would limit their freedom in making such interventions. Such humanitarian intervention will not bring peace to the world, nor will it eliminate humanitarian disasters. Intervention can be useful for resolving crises only when it is decided by the collective security regime, guided by the United Nations Charter.

It is true that the current collective security regime is not perfect, but the consequences of abandoning such a regime would be very disastrous to world peace and security and would far outweigh the defects of the regime. Besides, we still have opportunities to correct or mitigate those defects through the reform of the United Nations.

Certain humanitarian disasters in the context of regional conflicts require prompt action by the United Nations, but such action has to be taken within the legal framework of the United Nations Charter. Protecting and respecting human rights or people's right to self-determination do not render the State insignificant. Truly meaningful human rights protection can be realized only under the effective law and order of a State or the international community. The unbridled freedom of an individual or a group of individuals outside the law will lead to the oppression of one group of people by another. The incessant splitting of States since the end of the cold war has not made States disappear. On the contrary, it has increasingly demonstrated the political and social significance of national culture and national spirit embodied in States, and the unity between human rights and State sovereignty is also more obvious.

Facts have shown that unlawful armed encroachment on a nation's sovereignty is by definition a serious violation of human rights, and of that nation's right to self-determination. It is totally unconvincing and extremely dangerous to argue that in order to protect a nation's human rights, armed encroachment, in violation of international law, must be carried out against that nation's sovereignty, and that in order to protect the human rights of a group of people of a nation, the human rights of another group of people of the same nation must be forcibly denied, including their right to survival. The act of protecting human rights does not have the special status of being above international law. A legitimate goal should be achieved only through legitimate means. This is a basic principle that a society based on the rule of law follows as a matter of course.

The world legal order, with the United Nations Charter at its core, did not come into being out of thin

air. It is the crystallization of hundreds of years of human experience and wisdom. When carrying out commemorative activities for the United Nations Decade of International Law and the centennial of the Hague International Peace Conference, we have emphasized, without exception, the utmost importance of the world legal order centred on the United Nations Charter. The changes in international relations since the end of the cold war have posed certain new questions for us, but these new questions are far from being significant enough to require the destruction of the principal pillars of this legal order. In the general trend of globalization, the international community will be increasingly institutionalized and based on law. If we deviate from the principles of law, whether in pursuit of global or regional peace and security or for the protection of human rights, we will find ourselves farther and farther from our goals and from international justice. Returning to a state of anarchy or to the law of the jungle offers absolutely no future.

The President: In accordance with the decision taken this morning, I now call on the Observer of Switzerland.

Mr. Staehelin (Switzerland) (*spoke in French*): Today we are commemorating the end of the United Nations Decade of International Law. The year 1999 has also been marked by other celebrations. I might mention first the centennial of the first International Peace Conference, the fiftieth anniversary of the Geneva Conventions and the tenth anniversary of the Convention on the Rights of the Child.

In launching the Decade, the General Assembly rightly recognized the important place of the law of nations in international relations. Law constitutes the framework of these relations, and it promotes harmonious, peaceful and orderly development. The Assembly believed, more specifically, that the United Nations should promote better acceptance of and respect for the principles of international law and that it should encourage the progressive development and codification of that law. The Decade, *inter alia*, was to promote the acceptance of and respect for the principles of the law of nations, promote peaceful means of settling disputes and encourage the progressive development of international law, as well as the education, study and dissemination of that law.

During the past 10 years, many initiatives have been taken to promote knowledge of and respect for international law. Study programmes have been developed. International bodies, scholarly societies and all types of associations have made efforts with the same purpose in mind, and new cooperation has been established. The Swiss delegation is pleased at this and hopes that the attention focused on international law will continue to be developed in the future.

Since 1990 international law has undergone remarkable developments. Its evolution was undoubtedly marked by the end of the East-West confrontation. Several important instruments were adopted both within and outside the framework of the United Nations system. Let us recall first the Statute of the International Criminal Court, as well as the Statutes of the two International Criminal Tribunals, for the former Yugoslavia and for Rwanda; but we might also think of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction or the International Labour Organization Convention on the Prohibition of the Worst Forms of Child Labour; or revised Protocol II and Protocol IV of 1995 added to the 1980 Convention on Certain Convention Weapons. The evolution was particularly striking in international humanitarian law, one of the three areas dealt with by the first International Peace Conference in The Hague. Furthermore, new machinery was established to promote the application of the law. One thinks, for example, of the periodic meetings on international humanitarian law that Switzerland has been called upon to convene as the depositary of the Geneva Conventions. The commemoration of the fiftieth anniversary of the International Court of Justice provided the opportunity to reflect deeply on the judicial settlement of international disputes and to expand awareness of the Court's activities.

Unfortunately, the assessment made at the end of the Decade does not include only positive elements. We are reminded every day that many efforts will continue to be necessary if we want international law to be fully respected. In particular, this pertains to the peaceful settlement of disputes and humanitarian law, whose rules are too often disregarded, even overtly flouted. Unfortunately, some parties continue to prefer to resort to weapons rather than to settle their disputes peacefully. New forms of conflict have appeared. Some acts that have been committed in disregard of the law constitute an affront to the human conscience. The Security Council debates devoted to humanitarian law in recent months have unfortunately confirmed the magnitude of the problems to be resolved. However, we are pleased that they also drew attention to the urgency of taking decisions. The development of international law has also encountered certain impediments. As we know, major

difficulties arose in negotiations on certain instruments; that was the case, in particular, in the area of human rights. The Swiss delegation hopes, in particular, that the two protocols to supplement the Convention on the Rights of the Child will be adopted next year on the occasion of the tenth anniversary of the entry into force of the Convention.

To improve the application of law, first of all one must make its content known, and for that purpose one must provide a proper education about its rules. Innovative methods of dissemination must be developed and applied so as to enhance the effect of education and to reach all people who might apply the law. Along the same lines, we must give more thought to the means of monitoring the application of law, whether by States or by individuals. The most recent developments — in particular, the adoption of the Statute of the International Criminal Court — open up new prospects. A more systematic incrimination of those responsible for violations can strengthen the authority of and respect for the law. But, no doubt, one should not place an exclusive emphasis on enforcement. States should not rule out other means that might, in some appropriate way, but perhaps less spectacularly, help ensure better respect for the law of nations.

In this regard, in terms of humanitarian law the Swiss delegation would like to recall the importance of common article I of the Geneva Conventions. This provision sets forth the obligation for States parties to respect and ensure respect for the Conventions in all circumstances. The Swiss authorities are determined to continue considering means of promoting respect for international humanitarian law and to take the appropriate initiatives to that end. We should take stock of existing means, seek the reasons why they have not performed in a fully satisfactory manner and identify new methods.

Generally, States should give full effect to the rules that bind them and, on the basis of the obligations imposed by international law, undertake commitments likely to promote the development of law and respect for its rules.

The Swiss delegation hopes that in commemorating the end of the United Nations Decade of International Law, States will recognize the importance of respect for that law and that they will commit themselves to continuing their efforts to promote the application and awareness of international law. Switzerland hopes that the dynamic created by the proclamation of the Decade will go on. We hope that the General Assembly will proclaim other decades in this area — not just for their own sake — but as a means of promoting respect for the rule of law in international relations.

The President: In accordance with General Assembly resolution 45/6 of 16 October 1990, I now call on the Observer of the International Committee of the Red Cross.

Mrs. Junod (International Committee of the Red Cross) (*spoke in French*): I would like to begin by expressing the gratitude of the International Committee of the Red Cross (ICRC) for having been so closely associated with the United Nations Decade of International Law, and its satisfaction at having been given the opportunity to contribute to the Secretary-General's report on this subject.

However, as the Decade draws to a close, we must confess to having somewhat mixed feelings. In fact, even though there have been considerable developments in the field of international law, the reality is that there is still a long way to go before an international order founded on law and justice can prevail. The number and magnitude of the armed conflicts we have had to deplore during the Decade obviously represent a setback for international law — as do the grave and large-scale violations of humanitarian law committed during those conflicts.

The many hotbeds of war in Africa, Asia and Latin America, the tragedies which have unfolded in the Balkans and the Caucasus region, the disintegration of State authority in certain contexts, the international community's belated reaction to the genocide in Rwanda, the lack of coherence and consistency in the use of armed force when human rights are violated or when international security is threatened, the controversies surrounding the legality of the use of such force, in particular during the North Atlantic Treaty Organization operation in the Balkans — all these serve to demonstrate that giving thought to a stronger international order based on clear and respected international law is even more urgent today than it was ten years ago.

We must not, however, wallow in an assessment of catastrophe, especially since there have also been indisputably positive developments deserving of commendation. For example, the marked increase in the number of cases brought before the International Court of Justice is an encouraging sign when assessing the progress of international law as a whole. However, we will limit ourselves to a few comments with regard to

humanitarian law which relate specifically to the role and mandate of the International Committee of the Red Cross (ICRC).

An assessment of the subject-matter reveals undeniable progress in codification to which a number of recent developments bear witness. Among those, we would mention the adoption of the Chemical Weapons Convention; the Protocol on Blinding Laser Weapons; the amended Protocol on Mines, Booby Traps and Other Devices; the Ottawa Treaty banning anti-personnel mines and an additional Protocol for the Protection of Cultural Property in the Event of Armed Conflict. Besides these, of course, there are also the international treaties related to humanitarian law, such as the instruments for the repression of international terrorism and the Convention on the Safety of United Nations and Associated Personnel.

In the area of repression of violations, the establishment of the ad hoc International Criminal Tribunals for the Former Yugoslavia and for Rwanda paved the way for the adoption last year in Rome of the Statute for the future International Criminal Court, which is a significant advance.

Moreover, humanitarian law has been reaffirmed and clarified in a number of areas such as naval warfare, protection of the environment, displaced persons and, recently, thanks to an initiative of the Secretary-General, the observance by United Nations forces of international humanitarian law.

The ICRC is pleased and very proud to have been involved, in its capacity as expert on and guardian of humanitarian law, in almost all these developments. In this respect, it is worth mentioning here its close cooperation with the San Remo International Institute of Humanitarian Law with regard to naval warfare, its organization of expert studies and the publication of reports relating to the protection of the environment, displaced persons, the protocols on conventional weapons and the drafting of the ICC Statute and its participation in the elaboration of the Convention on the Safety and Security of United Nations and Associated Personnel.

Furthermore, during these years, the ICRC has striven to develop a constructive relationship with States and with all those who must apply humanitarian law. For this purpose, the ICRC set up an Advisory Service to provide technical assistance in the drafting of domestic legislation for the implementation of humanitarian law. It has also pursued its dissemination efforts regarding humanitarian law, notably among the armed forces and bearers of weapons.

Another ICRC initiative has been the launching of a wide-ranging study on customary norms of humanitarian law, involving specialists and research teams from all parts of the world, the results of which will be published next year. This study responds to concerns for gaining a better understanding, beyond the mere texts of how humanitarian law is actually applied, and thereby going beyond the purely formal framework. It should give new impetus to the crucial debate on humanitarian law and its implementation.

Along similar lines, with the assistance of National Red Cross and Red Crescent Societies, the ICRC conducted an in-depth survey, particularly in several countries having experienced war, in order to gain a clearer insight into the perceptions of the local populations and the role of humanitarian law in the conflicts they had lived through. The opinions of these "People on War", as we have dubbed them, will serve as an invaluable contribution to the debate on humanitarian law and action, and perhaps — let us hope — to the development of international law and order better able to prevent and contain armed conflicts.

Respect for human dignity in all circumstances, compassion for those who suffer, and solidarity are the principles which are the very foundation of the Geneva Conventions. The 14 world-renowned signatories of the Solemn Appeal launched in commemoration of the fiftieth anniversary of the Geneva Conventions, among them the United Nations Secretary-General, expressed their conviction that "disregard for these principles sets the stage for war and that respecting them during wartime facilitates the restoration of peace". This conviction is also ours, and I have no doubt that it is the conviction of the Assembly as well.

The President: In accordance with General Assembly resolution 48/3 of 13 October 1993, I now call on the observer for the Permanent Court of Arbitration.

Mr. van den Hout (Permanent Court of Arbitration): It is only appropriate that at the conclusion of the United Nations Decade of International Law we reflect on the centennial of the first International Peace Conference, held in The Hague. Last year the United Nations Secretary-General remarked that:

> "At that landmark gathering, the seeds were planted that later germinated into the League of Nations and, ultimately, the United Nations and its judicial organ, the International Court of Justice."

That gathering, in 1899, also established the Permanent Court of Arbitration, to which the participating States at the time entrusted the peaceful settlement of international disputes.

The Secretary-General acknowledges that:

> "today, the Permanent Court of Arbitration and the International Court of Justice are not merely neighbours in The Hague Peace Palace; they are complementary institutions offering the international community a comprehensive range of options for peaceful resolution of disputes."

He notes that:

> "settling international disputes by peaceful means, in conformity with the principles of justice and international law, is one of the central purposes of the United Nations set out in Article 1 of the United Nations Charter. Arbitration is among the methods of peaceful settlement cited in Article 33 of the Charter, and the Permanent Court has a long and distinguished history in this regard."

With the Permanent Court of Arbitration the international community has at its disposal a facility to administer the settlement of disputes in an efficient and cost-effective way.

As one of the judges of the International Court of Justice remarked earlier this year:

> "A number of the Permanent Court's awards have become classic, and dicta of international law pronounced in a number of its awards have been widely cited and relied on by jurists and arbitrators, as well as by the International Court of Justice".

Since 1996, the International Bureau of the Permanent Court of Arbitration has administered six arbitral tribunals, providing legal, administrative and logistical support to those arbitrations. One of those concerns the arbitration between Eritrea and Yemen. In its first stage it dealt with the sovereignty over a number of islands in the Red Sea. Now, in its second stage it will, in a number of weeks, decide on the maritime delimitation between the two countries. The International Bureau of the Court has also recently taken on the registry role for the Confidentiality Committee of the Organization for the Prohibition of Chemical Weapons in The Hague. Other international and regional organizations have approached the Court in connection with their desire to entrust to it a specific role in their procedures for dispute resolution.

Although the Permanent Court of Arbitration is currently not involved in administering international commercial arbitration, it is closely in touch with developments in that field. First, this can be attributed to the responsibility entrusted to the Secretary-General of the Court by the United Nations Commission on International Trade Law (UNCITRAL) to break deadlocks that might occur in the establishment of arbitral tribunals under its Arbitration Rules. The Secretary-General designates an appointing authority or himself assumes the role of appointing the second and/or third arbitrator. Since 1996, the Permanent Court of Arbitration has handled more than 50 complicated requests regarding the appointment of arbitrators where parties in dispute were unable to constitute the tribunals themselves.

Secondly, several years ago the International Council for Commercial Arbitration (ICCA) sought cooperation with the Permanent Court of Arbitration to help realize its important publications. This arrangement has proven to be mutually beneficial. As far as this organization is concerned, it gives the Court access to systematically catalogued developments in the field of international commercial arbitration. It is against this background that the International Bureau will be implementing one of the proposals expressed during the commemorative session of the Court's Members Conference held on 17 May. I am referring to the call to act "as a repository of information concerning alternative methods of dispute resolution". Use of modern information technology will be the key to success here.

Another proposal submitted to the Court's Members Conference on 17 May that will be included in the International Bureau's programme of work is the carrying out of a comparative analysis of the institutional and procedural aspects of the various mass claims settlements systems currently operational. I am referring to the Iran-United States Claims Tribunal, the United Nations Compensation Commission, the Claims Resolution Tribunal for Dormant Accounts and the Real Property Claims Commission, Bosnia, to mention four. Such an

undertaking would catalogue information of great use to Governments and other parties entrusted with the responsibility of setting up new claims tribunals and help them build on the experience of earlier tribunals.

The Bureau has also taken up the challenge addressed at the Conference to help fill the current gap in the range of dispute resolution mechanisms for international environmental disputes. To allow parties to avail themselves of these advantages, new rules of procedure will be drawn up for this specific field. In addition, other measures will be taken to properly equip the Court and its Bureau to handle such disputes. It should be noted that compared to judicial settlement, arbitration offers parties a greater comfort level because they themselves decide on the procedures according to which the settlement procedure should take place. Furthermore, it allows for participation in the tribunals not only of expert witnesses but also of arbitrators who themselves are experts in this increasingly technical and complex field. This project has a relationship with the previous one mentioned, namely, in those cases where environmental disputes or disasters lead to mass claims.

The United Nations Secretary-General has encouraged States, international organizations and private parties to make greater use of the services of the Permanent Court of Arbitration, which also include fact-finding and conciliation. In his words, such recourse would "help ease the workload of the International Court of Justice and fill gaps concerning arbitrations involving private parties and international organizations".

He has also urged States that have not ratified the Hague Conventions to do so. I would like to quote him once again:

> "Developing countries in particular could well find the flexible instruments of dispute resolution to be an invaluable asset."

Arbitration thrives as an alternative to the formal judicial resolution of disputes by reasons of economy, efficiency and focus possible in an ad hoc adjudication. Hence I would, in concluding, like to draw the attention of delegates to the operative paragraphs of the resolution adopted by the members of the Permanent Court of Arbitration at its commemorative session on 17 May, which is printed on page 4 of document A/54/381, as well as to operative paragraph 11 of draft resolution II, on page 8 of the report of the Sixth Committee in document A/54/609, currently before the Assembly. It seems most appropriate that at the close of the United Nations Decade of International Law, Member States that have not yet done so heed the appeals to make greater use of the existing mechanisms of dispute resolution, and in particular of the services offered by the Permanent Court of Arbitration.

The President: We have heard the last speaker in the debate on the occasion of the marking of the end of the United Nations Decade of International Law.

The Assembly will now consider the report of the Sixth Committee on agenda item 154, entitled "United Nations Decade of International Law" (A/54/609).

I request the Rapporteur of the Sixth Committee, Mr. Joško Klisović of Croatia, to introduce the report.

Mr. Klisović (Croatia): I have the honour to present to the General Assembly the report of the Sixth Committee on agenda item 154, entitled "United Nations Decade of International Law". The report of the Sixth Committee on this item is contained in document A/54/609.

The Sixth Committee recommends to the General Assembly for adoption two draft resolutions, which are contained in paragraph 15 of the report. Under the terms of the draft resolution entitled "Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference", the General Assembly would, *inter alia*, take note of the outcome of the centennial; commend all who contributed to the success of the celebration of the centennial of the First International Peace Conference; and invite States, organs of the United Nations, international organizations and other relevant international forums to take note of the outcome of the centennial and to consider, where appropriate, giving attention to the outcome of the thematic discussions and making use of the format of the centennial discussions.

The Assembly would also invite the Governments of the Russian Federation and the Kingdom of the Netherlands to file the records of the centennial in their archives and to provide access to these records to interested parties. It would invite all who contributed to the centennial to file their records in this respect with either of these Governments.

With regard to the draft resolution entitled "United Nations Decade of International Law", I should like to draw the Assembly's attention to a small typographical

error on page 8 of the report. At the end of operative paragraph 14, the footnote should read "5" instead of "1".

Under the terms of the draft resolution entitled "United Nations Decade of International Law", the General Assembly would, *inter alia*, acknowledge that the Decade has contributed significantly to the strengthening of the rule of international law and reaffirm the continued validity of the main objectives of the Decade.

The Secretary-General would be requested to continue developing the Treaty Section electronic database and to keep the list of the titles of the multilateral treaties deposited with him updated in all official languages of the Organization. The Secretary-General would be further requested to implement vigorously the plan to eliminate the backlog in the publication of the United Nations *Treaty Series* and to bring the resolution to the attention of States, international organizations and institutions working in the field of international law.

The General Assembly would also invite States, organs of the United Nations, international organizations and other relevant international forums to continue to give attention to the themes and outcome of the centennial of the first International Peace Conference.

It would also invite States and international organizations to continue promoting the acceptance of and respect for the rules and principles of international law and the strengthening of the use of means and methods of peaceful settlement of disputes, as well as encouraging the publication of materials on subjects of international law and the holding of meetings aimed at promoting a wider appreciation of international law.

The General Assembly would further invite States to consider making full use of the facilities of the Permanent Court of Arbitration. It would invite States to become parties to the multilateral treaties adopted during the Decade.

States would also be invited to continue to pay attention to the identification of areas of international law that might be ripe for progressive development or codification. Educational institutions would be encouraged to introduce or increase the number of courses of international law.

The General Assembly would finally decide to continue considering developments in the progress made in the implementation of the purposes of the Decade beyond its conclusion, in the framework of the agenda item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the report of the Sixth Committee that is before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official record. May I remind members that under paragraph 7 of decision 34/401 the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the report of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Committee.

The Assembly will now take a decision on the two draft resolutions recommended by the Sixth Committee in paragraph 15 of its report.

The Sixth Committee adopted draft resolution I, entitled "Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference", without a vote.

May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 54/27).

The President: The Sixth Committee adopted draft resolution II, entitled "United Nations Decade of International Law", without a vote.

May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 54/28).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 154?

It was so decided.

The meeting rose at 6.15 p.m.